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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,771	08/01/2003	Ronald N. Shostack	DATE-0010	3087
23377	7590	02/15/2006	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,771	<b>Applicant(s)</b> SHOSTACK ET AL.	
	<b>Examiner</b> Adnan M. Mirza	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over and further in view of Tang et al (U.S. 5,793,365) and "HOT or NOT" ([www.hotornot.com](http://www.hotornot.com)) (2000-2003).

As per claims 1,12 Tang disclosed a method for matching members of an online community based on personal profile characteristics including physical attractiveness, comprising the steps of: accepting and posting photographic images of respective members of the online community (col. 3, lines 39-52); and facilitating a search of a member database by a member of the online community for other members of the online community having physical attractiveness rankings in a range specified by the member (col. 5, lines 13-41).

However Tang did not disclose in detail "accepting rankings of the physical attractiveness of the respective members of the online community from other members of the online community".

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In the same field of endeavor HOT or NOT disclosed the accepting rankings of the physical attractiveness of the respective members of the online community from other members of the online community storing accumulated community rankings of the physical attractiveness of the respective members of the online community with other characteristic data of the respective members of the online community ([www.hotornot.com](http://www.hotornot.com)).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the accepting rankings of the physical attractiveness of the respective members of the online community from other members of the online community storing accumulated community rankings of the physical attractiveness of the respective members of the online community with other characteristic data of the respective members of the online community as taught by Hot or Not in the method of Tang to make the dating method more versatile and increase the matching capability.

2. As per claims 2,13 Tang-HotorNot disclosed wherein said step of storing accumulated community rankings of the physical attractiveness of the respective members of the online community comprises the steps of determining a percentage of members who rated a particular member to be physically attractive and placing said particular member in a community group including members having an accumulated community ranking in a range including said percentage, whereby said search step includes the step of searching the member database for members of selected ones of said community groups ([www.hotornot.com](http://www.hotornot.com)).

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3. As per claims 3,14 Tang-Hotornot disclosed wherein said search step includes the steps of returning search results including profiles of members of the online community that have been ranked by the member as being in said range specified by the member and excluding in said search results profiles of members of the online community that have been ranked by the member as being outside said range specified by the member ([www.hotornot.com](http://www.hotornot.com)).

4. As per claims 4,15 Tang-HotorNot disclosed wherein search results are returned in said searching step for a range of community groups, specified by a searching member, about the community group to which the searching member is assigned ([www.hotornot.com](http://www.hotornot.com)).

5. As per claims 5,16 Tang-Hotornot disclosed wherein said step of storing accumulated community rankings of the physical attractiveness of the respective members of the online community comprises the step of ranking the physical attractiveness of a target member of the online community on a numerical scale and said search step includes the steps of returning search results including profiles of members of the online community that have been ranked by the member as being in said range specified by the member and excluding in said search results profiles of members of the online community that have been ranked by the member as being outside said range specified by the member ([www.HotorNot.com](http://www.HotorNot.com)).

6. As per claims 6,17 Tang-HotorNot disclosed wherein said step of storing accumulated community rankings of the physical attractiveness of the respective members of the online community comprises the step of ranking the physical attractiveness of a target member of the

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online community on a numerical scale and said search step includes the steps of returning search results including profiles of members of the online community that are ranked by other members of the online community having a physical attractiveness ranking that is similar to the physical attractiveness ranking of the member as being in said range specified by the member and excluding in said search results profiles of members of the online community that have been ranked by said other members as being outside said range specified to the member (www.hotornot.com).

7. As per claims 7,18 Tang-HotorNot further comprising the step of permitting a member ranking a target member to specify whether or not the target member is to be notified that the target member has been ranked by said member (www.hotornot.com).

8. As per claims 8,19 Tang-HotorNot further comprising the step of adjusting ranges of accumulated community rankings defining said community groups for the member based on the degree of harshness to which that member ranks the physical attractiveness of the other community members (Tang, col. 5, lines 1-12).

9. As per claims 9,20 Tang-HotorNot disclosed further comprising the step of adjusting rankings of target members based on a validity factor for each ranking from members in a group having similar accumulated community rankings, whereby rankings of target members are proportioned relatively evenly across different groups having similar accumulated community

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rankings, said validity factor assuring a relatively even weighted average of each ranking across all of said different groups ([www.hotornot.com](http://www.hotornot.com)).

10. As per claims 10,21 Tang-hotornot.com further comprising the step of restricting the display of a member's personal profile characteristics to other members of the online community in accordance with the physical attractiveness of the other members of the online community as determined by each member's accumulated community ranking (Tang, col. 8, lines 29-51).

11. As per claims 11,22 Tang-HotorNot.com further comprising the step of restricting the display of the member's personal profile characteristics while in a chat room so that only other members in the chat room having an accumulated community ranking in a range specified by the member may see the member's personal profile characteristics (Tang, col. 4, lines 14-27).

***Response to Arguments***

Applicant's arguments filed 12/02/2004 have been fully considered but they are not persuasive.

Response to applicant's arguments are as follows.

12. Applicant argued that the above action failed to establish the Prima facie obviousness rejection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case Hot or Not in the method of Tang to make the dating method more versatile and increase the matching capability. Hot or Not disclosed the Physical Attractiveness including it in the Tang' method and system make the system more versatile and increase its capabilities in terms of User functionality.

13. Applicant argued that prior art did not disclose the elements of claim 1.



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As to applicant's Tang disclosed, "The chat room database supports operations to create and delete chat room objects, and to reply to requests for chat room directory data. The chat room database maintains data to create the chat room directory includes methods to update, sort and search the chat room directory data in response to user inputs and filters (col. 11, lines 58-65)". Each worker's gallery window display's the visual representations of selected other members of the workgroup. For each worker so represented, there is a visual indication of the availability of that worker (col. 3, lines 39-42). Also Hot or Not web site disclosed the accepting rankings of the physical attractiveness of the respective members of the online community from other members of the online community storing accumulated community rankings of the physical attractiveness of the respective members of the online community with other characteristic data of the respective members of the online community ([www.hotornot.com](http://www.hotornot.com)).

14. Applicant argued that prior art did not disclose "storing information about the Physical attractiveness of the other users and to search for other users based on their physical attractiveness".

As to applicant's argument "Hot or Not" web site disclosed storing information about the Physical attractiveness of the other users and to search for other users based on their physical attractiveness ([www.hotornot.com](http://www.hotornot.com)).

***Conclusion***

**15. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**16.** Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

**17.** The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-

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746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza

Examiner

  
**JASON CARDONE**  
SUPERVISORY PATENT EXAMINER